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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,770	12/21/2005	Kazuya Omori	MAT-8802US	9828
52473	7590	03/25/2010	EXAMINER	
RATNERPRESTIA			EDGAR, RICHARD A	
P.O. BOX 980				
VALLEY FORGE, PA 19482			ART UNIT	PAPER NUMBER
			3745	
			MAIL DATE	DELIVERY MODE
			03/25/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/561,770	Applicant(s) OMORI ET AL.
	Examiner Richard Edgar	Art Unit 3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 March 2010 under 37 CFR 1.114.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-17,30-39 and 41-43 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-17,30-39 and 41-43 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 21 December 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsman's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 18, 2010 has been entered.

Response to Amendment

Applicants' arguments filed March 18, 2010 have been fully considered but they are not persuasive.

Applicants have added "wherein the asperities extend an axial distance less than the axial length of the plurality of blades" and argued none of the cited references teach or disclose the limitation. FIG. 4B and its related disclosure supports the added limitation. Applicants' attention is directed to FIG. 5B and its related disclosure (page 10, lines 18-19). Clearly, the claim only requires at least two of the asperities to extend an axial distance less than the axial length of the plurality of blades, which most of the asperities in FIG. 5b satisfy. Now, referring to FIG. 9 of Fujita, a similar species is depicted whereby at least 2 of the projections extend an axial length less than the axial length of the centrifugal blades 13. Applicants only argued the patentability of the claim

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over the FIG. 1 species of Fujita (see page 9, 4th paragraph, filed March 18, 2010).

Applicants have not disclaimed the features of FIG. 5B, nor amended the claims to exclude the species of FIG. 5B. Thus, the claims include the features of the species of FIG. 5B and clearly, Fujita teaches the newly claimed subject matter. Also, see pending claims 15 and 36 directed to the species of FIG. 5B.

Examiner Note

As correctly cited by Applicants, Chou teaches in column 3, lines 1-3, that the trip strip should extend laterally over generally the entire span of the blade. The examiner interprets "generally" to mean "substantially." Applicants' related disclosure to FIG. 4B teaches a length of the asperities: $Y < H$. Clearly, $Y < H$ covers a large scope, including the length Y being generally or substantially the length of H . Chou cannot be held to teach away from $Y < H$.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 9-11, 13-16, 41, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' admitted prior art in view of United States Patent No. 5,169,290 (Chou hereinafter), and further in view of JP 2001-32794 (Fujita hereinafter).

For claim 1, Applicants' admit as prior art, FIG. 15-20 showing a "conventional centrifugal fan used for a ventilating blower and air conditioner" (page 1, lines 12-13);
the fan comprising: a plurality of blades 1110 circularly arranged, wherein the plurality of blades are interposed between a ring-like lateral plate 1105 and a main plate 1107, and integrated;

a casing 1104 including therein the plurality of blades, wherein the casing has a discharge outlet 1103, and a bellmouth-like inlet 1101 with an internal diameter equal to that of the plurality of blades circularly arranged (page 2, lines 1-4); and

a motor 1112 with a rotation axis 1113 thereof connected to the main plate 1107, wherein the motor is fixed to the casing (page 2, lines 12-13);

a side of the lateral plate 1105 of the plurality of blades is arranged at the inlet.

For claim 2, the main plate 1107 has a substantially truncated-cone-shaped throttle 1106 projecting toward the lateral plate 1105 (see page 2, lines 4-7).

For claim 3, the inside of the casing 1104 is formed spirally (see page 2, line 1).

For claim 19, the centrifugal fan is used in a ventilating blower or an air conditioner (see page 1, lines 12-13).

The admitted prior art fails to show asperities on a surface thereof, the asperities formed with a projection and a recess alternately repeated from a front edge toward a rear edge thereof in cross section vertical to a rotation axis of the plurality of blades; and the asperities extending less than the axial length of the blades.

Chou teaches a plurality of asperities 21a (FIG. 4A) on at least one side of the dorsal and ventral sides of a centrifugal fan blade 14a, the asperities formed with a projection and recess alternately repeated from a front edge toward a rear edge thereof, "at a point that is about five to fifty percent of the blade chord length from the leading edge" (col. 2, lines 58-61) in cross section vertical to a rotation axis of the plurality of blades (col. 3, lines 1-3) for the purpose of delaying boundary layer separation. The Chou fan is the type used in HVAC systems (see col. 1, lines 35-36). In one embodiment of Chou (FIG. 4A), the shape of the asperities 21a are triangular, as are

the recesses, both being repeated. The claimed range: $D1 < 2X < D1 + 0.35(D2-D1)$ in claims 14 and 16 (and further in claims 37 and 39) provides no patentable difference over the claimed 5-50% teaching of Chou as the ranges inherently overlap and this a *prima facie* case of obviousness exists. *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976).

As the admitted prior art centrifugal fan and the Chou centrifugal fan are both HVAC centrifugal fans, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the blades of the admitted prior art centrifugal fan to have the Chou asperities thereon for the purpose of delaying boundary layer separation, and improving performance of the fan.

Regarding the newly claimed asperities which "extend an axial distance less than the axial length of the plurality of blades," Fujita clearly teach surface turbulators on radially outer surfaces of the centrifugal blades and in the FIG. 9 species some of the asperities extend for an axial distance less than the axial length of the plurality of blades. Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to extend the asperities of Chou to be on the radially outer surface of the blades for the purpose of disrupting the laminar flow and delaying boundary layer separation on the radially outer surfaces of the blades, and to extend for a distance less than the axial length of the bales for the purpose of improving the flow characteristics of the fluid and thus increasing the efficiency of the fan.

Claims 4-5, 31-33, 35-37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' admitted prior art in view of United States Patent No. 5,169,290 (Chou hereinafter), and further in view of JP 2001-32794, as applied to claim 1 above, and further in view of United States Patent No. 4,647,271 (Nagai et al. hereinafter).

The modification of Applicants' admitted prior art with the Chou reference is previously explained above. A linearly tapering blade width along the axial direction is not discussed by Applicants' nor in the Chou reference.

Nagai et al. disclose a centrifugal fan for an air conditioning system (col. 1, lines 6-10) comprising blades 3 having an internal diameter (D_{IH} , D_{IS}) increasing from a main plate 4 to the lateral plate 2 for the purpose of reducing fan noise. FIG. 1 shows a linear tilt.

Since the modified admitted prior art and Chou is an air conditioning fan, and Nagai et al. teach to taper the blades to reduce noise, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to further modify Applicants' admitted prior art such that the blades are tapered as taught by Nagai et al. for the purpose of reducing the noise produced by the fan.

Claims 6-8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' admitted prior art in view of United States Patent No. 5,169,290 (Chou hereinafter), and further in view of JP 2001-32794 as applied to claim 1 above.

The modification of Applicants' admitted prior art with the Chou reference and any one of the JP references is previously explained above. Chou teaches expressly four species in FIG. 4A-D of different shaped asperities. Continuously repeated arc-shaped recesses and projections, and continuously repeated quadrangles are not expressly disclosed. Chou teaches "other configurations are possible" (col. 3, line 1) after describing the species of FIG. 4A-D.

At the time the invention was made, it would have been obvious to a person having ordinary skill in the art to change the shape of the triangular species of FIG. 4A of Chou to be arcs or quadrangles as a matter of choice, absent persuasive evidence that the particular configuration of the claimed blade is significant. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' admitted prior art in view of United States Patent No. 5,169,290 (Chou hereinafter), and further in view of JP 2001-32794 as applied to claim 1 above.

Claim 17 recites relative dimensional ranges between the asperities' depth and blade thickness; the asperities' width to the depth; and the height of the asperities to the height of the blade. The ranges recited are each broad. The specification provides no evidence of unexpected results to render the combination of claimed ranges unobvious. There are even no particular examples provided that are deemed optimum. Rather, Applicants merely claim the numerical range limitations without any teaching of the significance of the range boundaries. Accordingly, it would have been obvious at the

time the invention was made to a person having ordinary skill in the art to make the asperities of the modified admitted prior art by Chou to have an asperity depth to blade thickness within a 0.1 to 0.7 range, further have a ratio between the asperity width to the depth to be within a 0.5 and 2.5 range, and yet further have the ratio of the length of the asperities from the lateral plate towards the main plate to the height of the blades be within a 0.1 to 1.0 range, because each and all of the ranges are sufficiently broad, and a person having ordinary skill in the art would under normal experimentation, optimize the shape and dimensions of the asperities based on operating conditions of the fan for the purpose of increasing the efficiency of the fan.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' admitted prior art in view of United States Patent No. 5,169,290 (Chou hereinafter), and further in view of JP 2001-32794 as applied to claim 17 immediately above, and further in view of United States Patent No. 4,647,271 (Nagai et al. hereinafter).

Claim 38 recites relative dimensional ranges between the asperities' depth and blade thickness; the asperities' width to the depth; and the height of the asperities to the height of the blade. The ranges recited are each broad. The specification provides no evidence of unexpected results to render the combination of claimed ranges unobvious. There are even no particular examples provided that are deemed optimum. Rather, Applicants merely claim the numerical range limitations without any teaching of the significance of the range boundaries. Accordingly, it would have been obvious at the

time the invention was made to a person having ordinary skill in the art to make the asperities of the modified admitted prior art by Chou to have an asperity depth to blade thickness within a 0.1 to 0.7 range, further have a ratio between the asperity width to the depth to be within a 0.5 and 2.5 range, and yet further have the ratio of the length of the asperities from the lateral plate towards the main plate to the height of the blades be within a 0.1 to 1.0 range, because each and all of the ranges are sufficiently broad, and a person having ordinary skill in the art would under normal experimentation, optimize the shape and dimensions of the asperities based on operating conditions of the fan for the purpose of increasing the efficiency of the fan.

Nagai et al. disclose a centrifugal fan for an air conditioning system (col. 1, lines 6-10) comprising blades 3 having an internal diameter (D_{IH} , D_{IS}) increasing from a main plate 4 to the lateral plate 2 for the purpose of reducing fan noise.

Since Applicants' admitted prior art and Chou are air conditioning fans, and Nagai et al. teach to taper the blades to reduce noise, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to further modify Applicants' admitted prior art such that the blades are tapered as taught by Nagai et al. for the purpose of reducing the noise produced by the fan.

Claims 30 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' admitted prior art in view of United States Patent No. 5,169,290 (Chou hereinafter), and further in view of JP 2001-32794 and further in view of United States Patent No. 4,647,271 (Nagai et al. hereinafter), as applied to claim 4 above.

The modification of Applicants' admitted prior art with the Chou and Nagai et al. references is previously explained above. Chou teaches expressly four species in FIG. 4A-D of different shaped asperities. Continuously repeated arc-shaped recesses and projections, and continuously repeated quadrangles are not expressly disclosed. Chou teaches "other configurations are possible" (col. 3, line 1) after describing the species of FIG. 4A-D.

At the time the invention was made, it would have been obvious to a person having ordinary skill in the art to change the shape of the triangular species of FIG. 4A of Chou to be arcs or quadrangles as a matter of choice, absent persuasive evidence that the particular configuration of the claimed blade is significant. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Edgar whose telephone number is (571) 272-4816. The examiner can normally be reached on Monday thru Friday, 7 am- 5 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard Edgar/
Primary Examiner, Art Unit 3745